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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,805	03/23/2001	Neil Hickey	0550862-0016	6692

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,805

Applicant(s)

HICKEY, NEIL

Examiner

Joseph R Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8, 28, 20, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the business logic". There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the business logic". There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 18, and 26 recite "establishing the shaper rule set the list of control variables" in the limitation beginning "a training terminal". This phrase renders the claims unclear as it cannot be readily ascertained from this limitation what Applicant considers the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Matson et al. (U.S. Pat. No. 6,668,254), hereinafter referred to as Matson.

Regarding claims 1, 8, 15, 16, 18, 20, 22, 24, 26, 28, and 30, Matson disclosed a method and system for importing data from different sources. The invention applied to data being transferred among computers (see column 2, lines 64-67), which were disclosed as data streams relating to business processes (see column 3, lines 9-17). The system comprised a shaper computer for translating data, running a trainable user interface application to store rules and control the processing of data (see column 4, lines 9-22). Matson disclosed the use of host computers connected to the shaper computer that were the source of data streams (see column 3, lines 11-15; column 4, lines 35-38). The shaper computer monitored the data streams and reinterpreted them based on rules and variables established by the user (see column 4, lines 50-64; column 5, lines 16-21, 30-39; column 7, lines 35-21; column 8, lines 34-56; column 10, lines 53-54). The output could also be stored (see column 3, lines 30-36). Matson disclosed controlling input to the system and manually analyzing the data for determining if the system accommodated the transferring process (see column 4, line 65 through column 5, line 15).

Regarding claims 2, 3, 5, 9, 10, 12, 19, 21, 23, 25, 27, and 29, Matson disclosed remote host computers transferring data over a network, and the invention in the

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context of a distributed computing environment (see column 2, lines 61-67; column 3, lines 51-24).

Regarding claims 4 and 11, Matson disclosed implementing the system as software modules running on a single computer (see column 3, lines 21-24).

Regarding claims 6 and 13, Matson disclosed an auxiliary storage connected to the shaper computer for storing data used by the shaper (see column 4, lines 60-62).

Regarding claims 7 and 14, Matson disclosed a storage device associated with the host computer (see column 3, lines 35-38).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Post (U.S. Pat. No. 5,822,527) disclosed an object-oriented filter for an information stream including an interface module for accessing an application and filter modules.

Foss et al. (U.S. Pat. No. 6,298,444) disclosed a method and system for scanning electronic mail sent between two computers on a network.

Martinze-Guerra et al. (U.S. Pat. No. 6,523,172) disclosed a parser-translator system allowing a user to specify translation rules.


Watkins et al. (U.S. Pat. No. 5,983,022) disclosed a method and system for managing data streams based on rules profiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179 [Crystal City], (571) 272-3928 [Alexandria]. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703)308-3873 [Crystal City], (571) 272-3925 [Alexandria]. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


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